Highness' subjects, by words either spoken or written or by visible representations, insults or attempts to insult the religion of that class, shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both".

Sections 1 and 2 were put and carried.

President :— Now I shall put section 3 :—

Add as section 3 the following :

"3. In section 120 of the Cochin Penal Code insert the words "or any Indian Prince or the Government of such Princes whose names may be declared by the Government from time to time in the Cochin Government Gazette" between the words "India" and "shall" in line 7.

Section put and negatived.

Mr. Thomas Manjuran :—I further move that the Bill as now passed be taken up and passed to-morrow.

Mr. C. J. Mathew :— I second it.

Motion put and carried.

Municipal Regulation Amendment Bill.

Point of Order re. the Select Committee Report.

Mr. P. Kumaran Ezhuthassan :— Sir, I rise to a point of order. The point of order is that the Select Committee report put down for consideration and which the Hon'ble Member for Law is attempting to present to-day is not one drawn up in accordance with the provisions of the Council rules and the Standing Orders. I will explain. Under sub-section 3 of Standing Order 33 the President shall, after the members of the Select Committee are named, nominate one of the Members of the Committee to be its Chairman and with regard to this bill our revered departed Deputy President was nominated Chairman by the Diwan-President who was then presiding. At the only meeting at which this Bill was considered it was the misfortune of the Committee to record the sad demise of the Chairman who was nominated by the President of the Council. That is clear from the Select Committee report that is placed before us. The report reads as follows :—

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"The Select Committee appointed to consider the Cochin Municipal Regulation Amendment Bill met on the 14th Kanni 1110 in the Cochin Legislative Council Hall at 1 p. m. The following Members were present ;— Dr. A. G. Menon the revered Deputy President of the Council, who was nominated by the Diwan President as the Chairman of the Committee died a few days prior to the day fixed for the meeting and in his absence the Government Advocate and Law Officer was unanimously proposed to the Chair".

This is a report signed by a Chairman elected for the conduct of the business of a particular day. Such a Chairman could transact the business of the day. The presumption is that the Chairman appointed by the President is alive but not attending on that day. The other Members who attended the meeting have not got the right to nominate a Chairman for the Committee but only to elect one to preside on the day. The death of the Chairman makes the Committee defunct. For that reason I submit that the Select Committee's report that is placed before the House is one which is not drawn up in accordance with the rules and regulations of this House. Therefore I request for a ruling on this point.

Mr. Thomas Manjuran :— I am very glad that the Hon'ble Member brought up this motion at the very outset, so that if the Chair rules that the report is in order we can proceed with the discussion. I fancy that the Bill is in order. At any rate it appears to me to be in order. I shall try to substantiate my point. The Chair may scrutinise the points and give us a ruling one way or the other. As was pointed out by the Hon'ble Member, I had taken care to sign the report as Chairman elected by the Members for the meeting held on 14-2-1110. The report has been signed by a Chairman although he may not have been nominated by the President. The question is whether in the absence of the Chairman appointed by the President the Committee could have adopted such a course. The Committee thought that in a matter like this it may perhaps be not useful or necessary to put off matters to another occasion. They thought that they had the power to go on with the business of the Committee in the absence of the Chairman. Now we shall examine the provisions of law bearing in the matter.

Standing Order 33 as amended may first be considered. 'In the absence of a Chairman from any meeting the members of the Committee shall elect one for that meeting'. It was according to that that I was elected as Chairman for the meeting in which this report was adumbrated. It is laid

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down in the Standing Orders that the Select Committee to which the Bill has been referred shall make a report thereon. It is not the Chairman of the Select Committee that should submit the report. But it is the Select Committe. Let us not ignore that fact. Let us proceed further to clause 5 of standing order 34. "The Chairman of the Committee shall have power to report to the Diwan the name of any member of the Select Committee who neglects or is unable to attend the sitting or by death, resignation or otherwise ceases to be a member of the Committee and the Diwan may thereupon appoint out of the members of the Council an additional member to the Select Committee".

These are the relevant provisions that we have got here. The question is what is the legitimate inference to be drawn from these provisions. Under Standing Order 34 rule 5, it is not compulsory on the part of the Chairman to report to the Government about the death, resignation or other fact on account of which a particular member happens to be away or is unable to attend. That, I submit, implies that a committee originally constituted of a certain number of individuals may continue to function in the absence of one or more individuals either on account of death or some other reason provided of course such an absence does not take away the minimum number required. It is for you to decide, Sir, whether that interpretation is right or wrong. The Committee in this case thought that the report was to be made not by the Chairman but by the committee itself. Under Standing Order 33 in the absence of a Chairman, a Member can be elected as Chairman. Then the question arises how was the Committee to submit its report The Committee was authorised to send in a report. Under rule 34(5) the Committee thought that it was not imperative that a re-nomination should be awaited. It was in these circumstances and from considerations of the saving of public time and money and on account of the nature of the Bill which consisted only of one or two lines and which can be considered by this House in detail, that we thought that no serious objection would be made even though there may exist some apparent technical objection. It was under these circumstances that the report happened to be submitted. I submit to the Chair that the procedure adopted cannot under these circumstances be characterised as technically wrong. If you think that it is technically wrong it is open for you to so pronounce upon it. It should also be remembered that this Bill consists only of two lines which can be adequately considered by this learned body

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of Hon'ble Members consisting as they do of several faculties such as lawyers, doctors, etc. I submit these are the considerations that weighed with the Committee.

I may also bring to the notice of the Chair in this connection the existence of Standing Order No. 71, which may be revoked in appropriate cases. Standing Order No. 71 runs as follows :— "The President shall have power to regulate the conduct of business in the Council in all matters not provided for in this Regulation, the rules or the Standing Orders". The death of the Chairman having not been provided for and there is now a situation, before the Chair, which the Chair may regulate under S. O. 71.

President:— The substance of the point of order seems to be that the originally appointed Chairman did not function on account of his lamented death and another gentleman who was elected by the Committee signed the report as Chairman and that is irregular.

Mr. P. Kumaran Ezhuthassan :— There is some slight difference, Sir. What I want to stress is that the Committee that had written up this report is a Committee without a head. Its head was unfortunately removed from us. The Committee had appointed a Chairman only for a particular meeting.

President:— Therefore to put it in a nutshell the Committee that has reported is a Committee without a head. Anyhow the meeting which discussed this Bill and reported upon it had a chairman and when there is a chairman for that meeting the committee does not cease to exist because the originally nominated chairman died. Over and above all this I rely upon Standing Order No. 71 which says that the President shall have power to regulate the conduct of business in all matters not provided for in the Regulation, the rules or the Standing Orders. Of course, such a contingency as has happened now, has not been provided for in the Regulation and therefore the point of order raised is not in order.

Point of Order.

Re. the right of the House to consider the Bill as it relates to the Members of the Ruling Family.

Mr. K. Ayyappan :— Mr. President, Sir, I wish to raise another point of order. This measure ought to have come in the form of a Proclamation since it affects the Ruling Family.

President:— That being a very serious point of order, we shall take it up after lunch.

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